

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE AVON SECURITIES LITIGATION

Case No. 1:19-cv-01420-CM

**STIPULATION AND [PROPOSED] ORDER
JOINING DEFENDANT DAVID LEGHER
IN MOTION TO DISMISS**

WHEREAS, Plaintiffs filed their Amended Consolidated Class Action Complaint in the above-captioned action on June 28, 2019 (ECF No. 25);

WHEREAS, on July 24, 2019, Plaintiffs filed a Corrected Amended Consolidated Class Action Complaint (ECF No. 32) (“Complaint”), which currently serves as the operative complaint in the above-captioned proceedings;

WHEREAS, on July 26, 2019, defendants Avon Products, Inc., Sherilyn S. McCoy, James S. Scully and James S. Wilson (“Moving Defendants”) moved to dismiss the Complaint, with prejudice (“July 26 Motion to Dismiss”) (ECF Nos. 33, 34, 35);

WHEREAS, defendant David Legher had not been served with process as of July 26, 2019, and therefore did not join in the July 26 Motion to Dismiss at that time;

WHEREAS, counsel for Plaintiffs requested that Mr. Legher waive service of process, and provided Mr. Legher with such waiver on August 20, 2019;

WHEREAS, the July 26 Motion to Dismiss has been fully briefed by the parties, with Plaintiffs’ Opposition filed on August 30, 2019 (ECF No. 40), and the Moving Defendants’ Reply filed on September 13, 2019 (ECF No. 41);

WHEREAS, on October 8, 2019, Mr. Legher's waiver of service of process was filed within the permitted time set forth in Fed. R. Civ. P. 4(d)(1)(F) (ECF No. 43);

WHEREAS, Mr. Legher, within the permitted time to respond to the Complaint set forth in Fed. R. Civ. P. 4(d)(3), now seeks to move to dismiss the Complaint on the same grounds and for the same reasons set forth in the July 26 Motion to Dismiss (ECF Nos. 33, 34, 35) and the September 13, 2019 Reply (ECF No. 41) and joins the Moving Defendants' request for oral argument dated September 13, 2019 (ECF No. 42);

WHEREAS, the Plaintiffs and Mr. Legher agree that no further briefing on Mr. Legher's motion to dismiss is necessary and agree to stand on the existing briefing as filed on behalf of all defendants;

NOW THEREFORE, IT IS STIPULATED AND AGREED:

1. Defendant Mr. Legher hereby joins in the July 26 Motion to Dismiss and the September 13, 2019 Reply;
2. Plaintiffs oppose Mr. Legher's motion to dismiss for the reasons set forth in the August 30, 2019 Opposition;
3. No party intends to file further briefing and the July 26 Motion to Dismiss is fully submitted.

Dated: November 5, 2019

Respectfully submitted,

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by

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Wilson and David Legher*

SO ORDERED:

Dated: _____

The Honorable Colleen McMahon
Chief United States District Judge